

2173

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
112857-111

In Re Application Of: Teruhisa Kamachi et al.

Serial No.
08/939,064

Filing Date
09/29/97

Examiner
T. Nguyen

Group Art Unit
2173

Title: **IMAGE DISPLAY PROCESSING APPARATUS, AN IMAGE DISPLAY PROCESSING METHOD, AND AN INFORMATION PROVIDING MEDIUM**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

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in the above identified application.

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Dated: December 6, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:: Teruhisa Kamachi, et al.)

Serial No.: 08/939,064)

Title: IMAGE DISPLAY PROCESSING)
APPARATUS, AN IMAGE DISPLAY)
PROCESSING METHOD, AND AN)
INFORMATION PROVIDING MEDIUM)

Examiner: T. Nguyen

Group Art Unit: 2173

Filing Date: September 29, 1997)

Case No.: 112857-111)

Assistant Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO OFFICE ACTION

S I R:

The present remarks are in response to the Non-Final Office Action entered in the above identified case and mailed on September 18, 2001. Claims 1-12 are pending in the application. Claims 1, 2, 5-7, and 10 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 5,621,904 to Elliot et al. in view of U.S. Patent No. 5,771,042 to Santos-Gomez. Claims 3, 4, 8, 9, 11, and 12 stand rejected under 35 U.S.C. §103 as being unpatentable over Elliott et al. in view of Santos-Gomez and further in view of U.S. Patent No. 5,880,731 to Liles et al. Applicants respectfully traverse.

The claims pending in the application are not obvious in view of the cited prior art because there is no teaching or suggestion within the references themselves or within the general knowledge in the art that would have motivated one ordinary skill to combine the references in

the manner suggested by the Examiner to arrive at the claimed invention. In fact Elliot et al. and Santos-Gomez teach away from making such a combination.

In order to find obviousness by combining reference or modifying the prior art to produce the claimed invention, there must be some teaching, suggestion, or motivation to do so found either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art. In Re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). In the present case, not only is there no suggestion to combine the references, but the Elliot et al. and the Santos-Gomez references actually teach directly away from making such a combination.

Elliott et al. teach a "Method and Apparatus for Avoiding Overlapped Windows and a Gutter Space." The method and the apparatus taught by Elliott et al. involve the display of a main window and a sub window on a computer monitor (see Figs. 1 and 2). Specifically, the invention of Elliot et al. deals with the problem of overlapping display windows when a dialog box, or "child window" is opened from a main or "parent" window. Typically, according to Elliot et al., a child window will be opened at a predefined designated position on a computer display regardless of the position and contents of the parent window. Often the newly opened child window will be located in front of the parent window, obscuring important information disclosed in the parent behind. Elliot et al. teach a method and apparatus for determining whether sufficient space exists between an edge of the parent window and the borders of the display to accommodate the child window. If so, the child window is automatically displayed in the margin between the edge of the parent window and the border of the display. If space allows, a gutter region is created between the parent window and the child window. As the Examiner correctly points out in the most recent office action, the size of the child window remains independent of the dimensions of the parent window. It must be noted, however, that Elliot et

al.'s invention is entirely geared toward moving the child window away from the parent window, as opposed to moving the two closer together.

Santos-Gomez, on the other hand, teaches a "Multi-Size Control for Multiple Adjacent Workspaces." As can be seen in Figs. 4 and 5, Santos-Gomez teaches a plurality of work spaces (windows) that may be moved about a screen relative to one another. The multi-size controller includes a "snap region," the operation of which is described in column 5 lines 47-53. Santos-Gomez states that the workspaces may snap together when their borders are moved to a sufficiently close proximity. As shown for example in Figs. 2 and 3 when the workspace 34 is dragged so that its top border is within the snap region 38, the adjacent workspaces are connected and a "single size control separator 37" is created. As is best seen in Fig. 6, the single size control separator 37 may be used to adjust the relative sizes of the various work spaces simultaneously. In other words, the height and width of the various windows that are adjacent one another when the work areas are snapped into place are no longer independent, but rather are collectively controlled by the single size control separator 37.

Thus, the inventions of Elliott et al. and Santos-Gomez differ in two mutually exclusive ways which are key to the present invention. First, Elliot et al. teach moving parent and child windows away from one another, whereas Santos-Gomez teaches moving separated windows together. Second, Elliot et al. teach a parent window and a child window where the dimensions of the child window remain independent of the dimensions of the parent. Santos-Gomez on the other hand teaches a single size control separator which collectively governs the size of all of the windows that have been snapped together. These opposite teachings of the cited references preclude the combination suggested by the Examiner. One of ordinary skill in the art would not have looked to Santos-Gomez to solve a perceived problem in separating the child window from

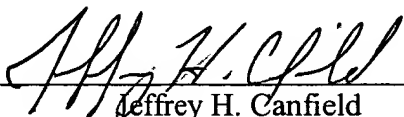
the parent window. Nor would one of ordinary skill looked to the independently sized child window of Elliot et al. to correct problems of the single size control separator created when one or more display areas are joined as taught by Santos-Gomez.

Because these two references teach away from making the combination cited by the Examiner, the claims of the present application would not have been obvious to one of ordinary skill in the art in view of Elliot et al. and Santos-Gomez. To hold otherwise would amount to picking and choosing various aspects of each reference without consideration of the overall teaching of the references. This amounts to impermissible hindsight, using the Applicants' claims as a template to pick and choose various features of the prior art references without regard to how the different features would fit together or the impact that combining such features would have on the underlying inventions disclosed in each reference. For these reasons, the cited combination would not have rendered the claimed invention obvious to one of ordinary skill in the art, and the claims should be allowed.

Claims 3, 4, 8, 9, 11 and 12, rejected under 35 U.S.C. §103 over Elliot et al., Santos-Gomez, and Liles et al., are all dependent from the claims described above. Therefore, the arguments against combining Elliot et al. and Santos-Gomez et al. apply here as well. Since one of ordinary skill in the art would not have been motivated to combine the teachings of Elliot et al. and Santos-Gomez due to the fact that they teach away from one another, dependent claims 3, 4, 8, 11 and 12 are also allowable over the prior art.

Applicant respectfully submits that all of the pending claims are in condition for allowance and awaits early and favorable consideration of all claims. However, if there remain any outstanding issues, the Examiner is encouraged to call Applicants' attorney Jeffrey Canfield at (312) 807-4233 in order to facilitate a speedy disposition of the case.

Respectfully submitted,

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